IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 618 of 2007

DATED: 5.1.2007

Between:

V.V.Shriram Raju **petitioner**

And

The Girijan Cooperative Corporation Ltd
And ors
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 618 OF 2007

ORAL ORDER:

This writ petition is filed questioning the proceedings dated 17.4.2003 ordering recovery of an amount of Rs.73,091.15 from the petitioner.

The petitioner, on attaining the age of superannuation, retired from the service of the first respondent corporation as Senior Stores Assistant on 31.6.2006. He was issued with a notice dated 14.8.2000 alleging failure on his part to collect godown rent from 17.7.1999 to 23.11.1999 amounting to Rs.73,091.15 from M/s. Quinn India Limited. The petitioner submitted his explanation dated 28.10.2000 denying the allegation and stating that he has followed the instructions of his superiors and the Manager, GCMS, Kasipatnam has issued letter stating that sale value interest and godown rent upto 25.11.1999 was adjusted. Thereafter, by impugned proceedings dated 17.4.2003, the first respondent ordered recovery of an amount of Rs.73,091.15 from the petitioner in monthly instalments of Rs.3,000/- from the pay of the petitioner from April, 2003. Questioning the said order the present writ petition is filed.

Learned counsel for petitioner submitted that the petitioner has acted as per the instructions of the superiors and after lifting the entire stock by the party, he was issued with a notice by the Divisional Manager, Paderu dated 14.8.2000 alleging failure on his part to collect the godown rent and without considering his explanation, the impugned orders were passed ordering recovery, which is illegal and arbitrary.

On the other hand, learned counsel for respondent corporation submitted that the first respondent taking into consideration the explanation and the material available on record, passed the impugned order recording reasons for recovery of the amount from the petitioner. It is also submitted that, the petitioner having kept quiet for more than three years, and after retiring from service, cannot challenge the impugned order, which has become final.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation and perused the material available on record.

The first respondent passed the impugned order on 17.4.2003, ordering recovery of Rs.73,091.15 from the pay of the petitioner from April, 2003 onwards and thereafter, on attaining the age of superannuation, the petitioner retired from service on 31.6.2006. The petitioner has not chosen to explain the reasons for keeping quiet all these days without challenging the impugned orders. The petitioner having kept quiet all these days and particularly, after retiring from service of the respondent corporation, now cannot contend that the recovery was made high handedly and without affording opportunity to him. Hence, I see no reason to interfere with the matter at this belated stage and particularly after retirement of the petitioner from the service of the respondent corporation. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 5.1.2007
TVK

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